Department of Defense
Office for the Administrative Review of the Detention of Enemy Combatants (OARDEC) at U.S. Naval Base Guantanamo Bay, Cuba
1000 Navy Pentagon, Washington, D.C. 20350-1000

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ACTION MEMO

11 April 2005

FOR: Designated Civilian Official

FROM: Director, OARDEC

SUBJECT: ADMINISTRATIVE REVIEW BOARD ASSESSMENT AND RECOMMENDATION ICO ISN [redacted] (b)(6)

- Subject ARB was held on 10 January 2005 resulting in [redacted] based on the following: (b)(5)
  - Threat Assessment: [redacted] (b)(1)
  - Intelligence Value: [redacted]
  - Other Factors: [redacted] (b)(5) (b)(6)
- Intelligence inputs used in the ARB's determination of the subject ISN included:
  - [redacted] (b)(1) (b)(5)
- Agency assessments follow:

AGENCY	ASSESSMENT	RECOMMENDATION
DASD-DA	[redacted]	
CIA		
FBI		
Dept of State		

(b)(1) (b)(5)

- The Legal Sufficiency Review (Tab A) and the Presiding Officer's Assessment and Recommendation (Tab B) with enclosures, are attached.

RECOMMENDATION: That the DCO [redacted] (b)(5)

[redacted] (Transfer) 4-14-05

Or: Continue to Detain __________, Release ________

Attachments:
Tab A OARDEC SJA Legal Sufficiency Review
Tab B Presiding Officer's Assessment and Recommendation

Prepared by [redacted] (b)(6)

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(U) CLASSIFIED RECORD OF PROCEEDINGS AND BASIS FOR ADMINISTRATIVE REVIEW BOARD DECISION FOR ISN [redacted] (b)(6)

1. (U) Introduction

(U) The Administrative Review Board (ARB) determined ISN [redacted] (b)(5) In reaching this determination, the ARB considered both classified and unclassified information. The following is an account of the proceedings and the factors the ARB used in making its determination.

2. (U) Synopsis of Proceedings

(U) The ARB was convened and began its proceedings with the Enemy Combatant (EC) present. The Designated Military Officer (DMO) presented the unclassified summary, in written form and with an oral summary of the unclassified primary factors to retain the EC and the primary factors for release. The Assisting Military Officer (AMO) presented the Enemy Combatant Notification Form as exhibit EC-A and the Enemy Combatant Election Form indicating the EC elected to participate, documented as exhibit EC-B. The AMO related that during his interview with the EC, the EC requested assistance from the AMO in preparing a response to the unclassified summary. The AMO entered the EC's assisted statement to the ARB as exhibit EC-C, and read the information contained in the document to the ARB. The unclassified part of the proceeding was adjourned, and the EC was removed from the room. The ARB moved to the classified portion of the session and the DMO presented the classified summary. The ARB members had no questions and the session was closed for deliberation.

3. (U) Primary Documents, Assessments, Testimony, and other Considerations by the Administrative Review Board

(U) The ARB considered all relevant information and primary factors in the exhibits presented as EC-C, and DMO-1 through DMO-24.

(S/NF) [redacted] (b)(1) (b)(5)

(U) The following assessments considered by the ARB are summarized as follows:

(S/NF) [redacted]

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ISN [redacted] (b)(6)
Enclosure (5)
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(S/NF) [redacted] (b)(1) (b)(5)

(FOUO/LES) [redacted] (b)(5) (b)(7)

4. (U) Discussion of the primary factors (including intelligence value and law enforcement value of the Enemy Combatant).

(U) The preponderance of the information presented to the ARB supports [redacted]. The ARB considered the following key indicators in the decision to assess the EC [redacted], and in its recommendation [redacted]

a. (S [redacted]

b. (S/NF) [redacted]

c. (S/NF) [redacted] (b)(1)

d. (S/NF) [redacted] (b)(5)

e. (S/NF) [redacted]

f. (S/NF) [redacted]

g. (S/NF) [redacted]

5. (U) Considerations by the Administrative Review Board on Enemy Combatant's requests for witness statements and home country statements provided through the United States

(U) The home state of the EC provided no additional information to the U.S. Department of State.

6. (U) Consultations with the Administrative Review Board Legal Advisor

(U) There was no legal consultation prior to or during the ARB session.

7. (U) Conclusions and Recommendation of the Administrative Review Board

(U) Upon careful review of all the information presented, the ARB makes the following determination and recommendation:

(U) [redacted]. (b)(5)

8. (U) Dissenting Board Member's report

(U) There were no dissenting members in the decision.

Respectfully submitted,

[redacted] (b)(6)

Captain, U.S. Navy
Presiding Officer